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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,843	02/15/2001	John T. Hurst	30788-00016	3829

24318 7590 10/11/2005
Mitchell, Silberberg & Knupp, LLP
11377 West Olympic Boulevard
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EXAMINER

BLAIR, DOUGLAS B

ART UNIT PAPER NUMBER

2142

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/784,843

Applicant(s)

HURST ET AL.

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-12 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-12 and 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1, 5-12, and 15-24 are currently pending.
2. The drawing changes and amendments to the specification are accepted by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 5 and 15 recites the limitation "said physical media" in their limitations. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 5-6, 9-12, 15-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Synchronized Multimedia Integration Language Specification.

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8. As to claim 1, the SMIL specification teaches a method for use in delivering programming content, said method comprising: dividing programming content into smaller chunks of data, wherein said programming content comprises at least one of a software program of content for playing on an electronic device (Section 4.2.3); creating a chunk file for each chunk of data, said chunk including said chunk of data (Section 4.2.3, the various multimedia files are chunks); generating a manifest file that includes information describing how to execute of play the chunks of data (Section 4.2.3, the SMIL document itself is the manifest file); however the SMIL spec does not officially teach chunk files transmitted on at least one physical storage medium.

Official Notice is taken that files can be transmitted using physical storage mediums.

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the applicant's invention to combine the teachings of the SMIL specification regarding playing multimedia with the concept of transmitting files using a physical storage medium because the SMIL spec describes a series of files which are intended to be transported and played/executed.

9. As to claim 5, the SMIL spec teaches that an SMIL document is a manifest file; however the SMIL spec does not explicitly teach the distribution of manifest files

Official Notice is taken that the SMIL documents can be distributed.

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the applicant's invention to combine the teachings of the SMIL specification regarding playing multimedia with the concept of distributing SMIL document files because the SMIL spec

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describes a series of files which are intended to be transported and played/executed including the SMIL document which describes how to play/execute the files.

10. As to claim 6, the concept of transmitting files over a physical storage medium is obvious for reasons discussed above.

11. As to claim 9, the SMIL specification teaches a method wherein a manifest file identifies each chunk of data in the programming content (pages 26-27).

12. As to claims 10-11 and 20, they are rejected for the same reasons as claim 1.

13. As to claim 12, the SMIL specification teaches a method wherein the chunks of data are stored such that each chunk remains separately identifiable (page 28 shows chunks with filenames).

14. As to claims 15-16 and 19, they are rejected for the same reasons as claims 5-6 and 9.

15. Claims 7-8, 17-18, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the SMIL specification in view of RFC 1321 by Rivest.

16. As to claims 7-8, 17-18, and 21-24, the SMIL specification makes obvious the subject matter of claims 1, 10-11 and 20; however the SMIL specification does not explicitly teach the use of a message digest.

Rivest teaches the use of a message digest for verifying integrity of data (See executive summary).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the SMIL specification regarding the use of chunk files for transmitting data with the teachings of Rivest regarding the use of a message digest because a message digest is a computer networking standard and thus a well known

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method for verifying the integrity of data received. U.S. Patents 5,765,176, 5,745,574 and 5,692,047 are some examples of publications that illustrate the use of message digests.

Response to Arguments

17. Applicant's arguments with respect to claims 1, 5-12, 15-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached at 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB


KAMINI SHAH
PRIMARY EXAMINER

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